

**S/N 09/905,046**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellants:	Christine Cheng et al.	Examiner:	Ojo Oyebisi
Serial No.:	09/905,046	Group Art Unit:	3696
Filed:	July 12, 2001	Docket:	2043.258US1
Title:	METHOD AND APPARATUS TO DETECT SUSPICIOUS TRANSACTION WITHIN A NETWORK-BASED AUCTION FACILITY		

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**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This responds to the Notice of Non-Compliant Appeal Brief mailed on October 27, 2008. In compliance with 37 C.F.R. 1.121, Appellants have corrected and hereby resubmit the Section VI of the previously submitted Appeal Brief filed October 10, 2008.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a one-month extension of the period for responding to the Office action, thereby moving the deadline for response from November 27, 2008 to December 27, 2008.

**6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL***§102 Rejection of the Claims*

Claims 1-6, 31-36 and 40 were rejected under 35 U.S.C. § 102(b) for anticipation by Trostle (U.S. 5,919,257; hereinafter “Trostle”).

*§103 Rejection of the Claims*

Claims 7-8, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trostle in view of Buchner et al (Discovering Internet marketing intelligence through online analytical web usage mining, ACM SIGMOD Record archive, Volume 27, Issue 4 December 1998, Pages: 54 - 61, Year of Publication: 1998, ISSN:0163-5808; hereinafter “Buchner”).

Claims 9-19, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trostle in view of Buchner and in further view of Miller (Michael Miller, The complete Idiot's Guide to Ebay Online Auctions, copyright July 1999; hereinafter “Miller”).

Claims 20-30, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trostle in view of Buchner and Miller and in further view of Smaha et al (U.S. 5,557,742; hereinafter “Smaha”).

**CONCLUSION**

In response to the Notice of Non-Compliant Amendment and in accordance with 37 C.F.R. 1.121, Appellants have corrected and resubmitted Section VI of the response for the Examiner's consideration.

Appellants respectfully submit that the Examiner withdraw the non-compliant status and examine the response as appropriate.

The Examiner is invited to telephone Appellants' attorney at 408-278-4042 to facilitate prosecution of this application.

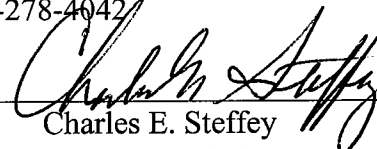
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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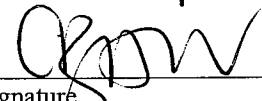
Date Dec 4, 2008

By

  
Charles E. Steffey  
Reg. No. 25,179

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4 day of December 2008.

CHRIS BARTV  
Name

  
Signature